

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CARL LEE HULON JR. and PATRICE HULON,

Plaintiffs,

v.

ORDER

THE WIS. DEP'T OF JUSTICE and THE WIS. DEP'T
OF HEALTH. SERVS.,

22-cv-733-jdp

Defendants.

Carl Lee Hulon Jr. and Patrice Hulon filed an amended complaint that they both signed. Dkt. 1. Patrice Hulon is Carl Lee Hulon Jr.'s mother and resides with him. Because the Hulons' amended complaint was deficient, I ordered them to file a second amended complaint. Dkt. 5. As relevant here, I determined that the amended complaint alleged violations of the rights of Carl Hulon Jr. and Carl L. Hulon Sr. (who didn't sign the amended complaint). *Id.* at 3. So "[i]t [was] not apparent why Patrice Hulon [was] a plaintiff[.]" *Id.* I explained that, if Patrice Hulon was trying to represent Carl Hulon Jr., that was improper because a nonlawyer can't handle a case on behalf of anyone but herself and a parent cannot litigate the claims of her children unless she obtains counsel. *Id.* at 3–4. I gave the Hulons until March 1, 2023, to file an amended complaint and allowed them to submit no more than ten supplemental pages if they needed additional space to allege their claims. *Id.* at 5.

Patrice Hulon has filed a letter stating that she is Carl L. Hulon Jr's "Legal Guardian and IRIS Representative[]" in the said case matter." Dkt. 6 at 1. Patrice Hulon also states that "Carl L. Hulon Jr is disabled and with an IQ of a 3rd to 4th grade level" and asks me to allow her to submit 15 pages "to complete [*her*] complaint." *Id.* (emphasis added).

It is clear from the amended complaint and Patrice Hulon's letter that she is attempting to represent Carl Lee Hulon Jr. in this matter. But, as I explained in my order to amend, this is improper. The alleged fact that Patrice Hulon is Carl L. Hulon Jr.'s legal guardian and representative in the IRIS program through the Wisconsin Department of Health Services does not change this determination. *See, e.g., Elustra v. Mineo*, 595 F.3d 699, 704 (7th Cir. 2010) ("Normally, representative parties such as next friends may not conduct litigation *pro se*; pleadings may be brought before the court only by parties or their attorney."). Carl Lee Hulon Jr. signed the complaint, but Patrice Hulon's letter makes clear that she brought this case on his behalf and seeks to represent him. I understand her desire to litigate this case on behalf of her son, but the law does not allow her to do so.

I will treat Patrice Hulon's letter as a motion and deny it. I will also stay the deadline to file an amended complaint and give the Hulons 30 days to retain counsel. If the Hulons fail to retain counsel within 30 days, I will dismiss the case without prejudice. *See Cheung v. Youth Orchestra Found. of Buffalo, Inc.*, 906 F.2d 59, 62 (2d Cir. 1990).

ORDER

IT IS ORDERED that:

1. Patrice Hulon's motion, Dkt. 6, is DENIED.
2. The deadline for the Hulons to file an amended complaint is STAYED.
3. The Hulons may have 30 days to retain counsel. If counsel fails to enter an appearance within 30 days, the court will dismiss the case without prejudice.

4. The clerk of court is directed to send a copy of this order to plaintiffs.

Entered February 22, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge